1042, 64 L. R. A. 458, in which it was held, in an action by the administrator of the husband against the administrator of the wife, for proceeds of a policy of insurance on the life of the husband paid voluntarily into court by the insurance company, and by the policy payable to the wife if she should survive, and afterwards assigned by parol to and kept up by her, that the administrator of the husband was not entitled to the fund, because (having assigned the policy to his wife) his right was merely by virtue of the law of distribution as surviving husband; and as he had become surviving husband by murdering his wife before committing suicide, he could not be permitted to profit by his own iniquity or take advantage of his own wrong, and his representative had no better right than he. This decision is distinguished on the ground that a tenant by entirety does not succeed to any estate by the death of the other spouse, but continues owner by virtue of his original title. In *Riggs* v. *Palmer* (1889), 115 N. Y. 506, 22 N. E. 188, 12 Am. St. Rep. 819, 5 L. R. A. 340, it was held that one who killed the testator could not take a legacy by the will nor as heir as in case of intestacy (the gift over in case the murderer should die before the testator failing and there being no other disposition); but JUDGES GRAY and DANFORTH dissented, and the decision was criticised and the rule materially modified in *Ellison* v. *Westcott* (1896), 148 N. Y. 149, 42 N. E. 540. The contrary has been held in *Shellenberger* v. *Ransom* (1894), 41 Neb. 631, 59 N. W. 935, 25 L. R. A. 564, (reversing on rehearing same case, 1891, 31 Neb. 61, 47 N. W. 700, 28 Am. St. Rep. 500, 10 L. R. A. 810); *Owens* v. *Owens* (1888), 100 N. Car. 240, 6 S. E. 794; *Deem* v. *Milliken* (1895), 53 Ohio St. 668, 44 N. E. 1134, affirming without opinion except to adopt the opinion of the court below reported in 6 Ohio C. C. 357; *Carpenter's Estate* (1895), 170 Pa. St. 203, 32 Atl. 637, 50 Am. St. Rep. 765, 29 L. R. A. 145.

EVIDENCE—WIFE AS WITNESS AGAINST HUSBAND.—Under a statute providing that a wife shall not testify against the husband without his consent, but that the statute shall not apply to a crime commited by one against the other, *held,* that bigamy is not a crime against the wife and her testimony is inadmissible against her husband. *State* v. *Kniffen* (1906), — Wash. —. 87 Pac. Rep. 837.

In regard to the question involved in this case, there is a sharp conflict of authority with the weight in favor of the principal case. Those states which allow the wife to testify do so on the ground that the crime of bigamy is one against the wife personally. *Lord* v. *State,* 17 Neb. 526, 23 N. W. 507; *Hills* v. *State,* 61 Neb. 589, 85 N. W. 836, 57 L. R. A. 155; *Owens* v. *State,* 32 Neb. 167; *State* v. *Bennet,* 32 Ia. 24; *State* v. *Hazen,* 39 Ia. 648; *State* v. *Sloan,* 55 Ia. 217, 7 N. W. 516; *State* v. *Hughes,* 58 Ia. 165; *State* v. *Chambers,* 87 Ia. 1; *United States* v. *Bassett,* 5 Utah 131; *United States* v. *Cutler,* 5 Utah 608. In opposition to these cases is a line of decisions which hold in accord with the principal case on the ground that bigamy and kindred crimes are not crimes against the wife but against the marriage relation. *Bassett* v. *United States,* 137 U. S. 496, 11 Sup. Ct. Rep. 165, 34 L. Ed. 762 (reversing 5 Utah 131),; *State* v. *Burt,* 17 S. D. 7, 94 N. W. 409; *People* v.

Langtree, 64 Cal. 256, 30 Pac. 813; *People* v. *Quanstrom,* 93 Mich. 254, 53 N. W. 165, 17 L. R. A. 723; *Overton* v. *State,* 43 Tex. 616; *Compton* v. *State,* 13 Tex. App. 274; 44 Am. Rep. 703; *State* v. *Armstrong,* 4 Minn. 335 (Gil. 251); *State* v. *McDavid,* 15 La. An. 403; *Thomas* v. *State,* 14 Tex. App. 70; *McLean* v. *State,* 32 Tex. Crim. 521; *People* v. *Westbrook,* 94 Mich. 629; 30 AM. & ENG. ENCY. OF LAW (2nd Ed.) p. 956.

EXECUTIONS—WRONGFUL LEVY.—The plaintiff brought this action to recover $450 in money levied upon by the defendant constable under execution. From the facts of the case it appears that the plaintiff was counting a package of bills lying on a table by holding one hand on the top of the bills and lifting the corners with the other. The officer reached from behind and snatched the bills away claiming a levy under execution. *Held,* that the levy was not a trespass on the person of the plaintiff and was good. *Richards* v. *Heger et al.* (1907), — Mo. App. —, 99 S W. Rep. 802.

The English decisions seem to be well established contrary to the principal case and hold that articles in the manual possession of a person such as wearing apparel or an ax in his hand are exempt from levy. Coke Lit. 47; *Read* v. *Burley,* Cro. Eliz. 549; id. 596. *Simpson* v. *Hartopp,* Willes 512. *Gorton* v. *Falkner,* 4 T. R. 568; *Sunbolf* v. *Alford,* 3 Mee & W. 253; *Storey* v. *Robinson,* 6 T. R. 139. *Field* v. *Adams,* 4 Per. & Dav. 504. In America, however, there seems to be some wavering as to the application of the common law principles. In *Green* v. *Palmer,* 15 Cal. 411, 76 Am. Dec. 492, a levy was made on a bag of gold held in the hand of the execution debtor. The court held the levy good on the ground that it was not so connected with the person that its seizure was a violation of the right of personal security and it did not necessarily necessitate a breach of the peace. Along the same line is the case of *State* v. *Dillard,* 25 N. C. 102, 38 Am. Dec. 708, in which it was held that a horse upon which a man was riding could be levied upon. In contravention to this authority, however, and contrary to the principal case is the case of *Mack* v. *Parks,* 8 Gray (Mass.) 517, 69 Am. Dec. 267. This case holds that such a levy from the person is wrongful, for, if things can be taken from a person's hand, they may be picked from his pocket or ornaments snatched from his clothes. Compare FREEMAN, EXECUTIONS, Vol. II, § 255.

GUARDIAN AND WARD—INVESTMENT OF WARD'S MONEY GROUNDS FOR REMOVAL.—Decedent died leaving a son and daughter as his only heirs. The son being of unsound mind, upon application to the county court, the daughter was appointed guardian of his person and estate. She was later removed and defendant appointed to succeed her. In an action to have the guardian removed, *held,* that the defendant's failure to properly invest the money of his ward and to make his annual accounting was a sufficient allegation of misconduct to warrant his removal. *McIntire* v. *Bailey* (1907), Ia. —, 110 N. W. Rep. 588.

The office of guardian being one of trust and obligation he is bound to act for the interest of the ward and not for his own interest. *Water Valley*